

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

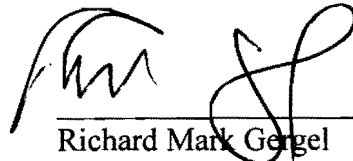
Edwin A. Benzel,)	
)	
Plaintiff,)	Civil Action No. 0:13-664-RMG
)	
vs.)	
)	
Carolyn D. Colvin, Commissioner)	
of Social Security,)	
)	ORDER
Defendant.)	
)	
)	
)	

This matter comes before the Court on Plaintiff's motion for approval of attorney's fees under 42 U.S.C. § 406(b). (Dkt. No. 26). Plaintiff has informed the Court that he was ultimately awarded \$109,782 in back Social Security disability benefits, which would entitle his counsel to a 25% contingency fee of \$27,445.50 under the attorney fee agreement. (Dkt. No. 26-1 at 4). Plaintiff's counsel has requested, however, a total fee award for court related representation of \$17,445.50 and indicated that he may also seek with the Social Security Administration an award of attorneys' fees for agency representation not to exceed 25% of the total award. (*Id.*) Plaintiff has attached to this motion an executed attorney fee agreement providing for payment of a contingency fee of 25% of the any back benefits award. (Dkt. No. 26-3). Counsel for Plaintiff has further informed the Court that this award is subject to offset from a previous award under the Equal Access to Justice Act ("EAJA") of \$5,456.60. (Dkt. No. 26-1 at 4). The Defendant has advised the Court that she does not oppose the approval of Plaintiff's attorney fee of \$17,445.50 so long as Plaintiff's counsel refunds to his client upon receipt of the § 406(b) award

the previous award under EAJA. (Dkt. No. 27).

The Court has reviewed the Plaintiff's motion in light of the standards set forth in *Grisbrecht v. Barnhart*, 535 U.S. 789, 808 (2002). The Court finds that pursuant to the *Grisbrecht* standards the proposed fee is reasonable and grants the Plaintiff's motion to approve the fee in the amount of \$17,445.50. Since Plaintiff is entitled to an offset for previously awarded EAJA fees, Plaintiff's counsel is directed that upon receipt of the fee award approved herein to refund to Plaintiff \$5,456.60.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gengel', is written over a horizontal line.

Richard Mark Gengel
United States District Judge

February 9, 2015
Charleston, South Carolina